

## **An ordinance for regulating the post-office of the United States of America. [1790].**

### **AN ORDINANCE**

#### **For regulating the Post-Office of the United States of America.**

WHEREAS the communication of intelligence with regularity and dispatch, from one part to another of these United States, is essentially requisite to the safety as well as the commercial interest thereof; and the United States in Congress assembled, being by the articles of confederation, vested with the sole and exclusive right and power of establishing and regulating Post-Offices throughout all the United States; and whereas it is become necessary to revise the several regulations heretofore made, relating to the Post-Office, and reduce them to one act:

*Be it therefore ordained by the United States in Congress assembled, and it is hereby ordained by the authority of the same, That a continued communication of posts throughout these United States, shall be established and maintained, by, and under the direction of the Post-Master General of these United States, to extend to and from the state of New-Hampshire and the state of Georgia inclusive; and to and from such other parts of these United States, as Congress shall from time to time direct.*

*And be it further ordained by the authority aforesaid , That the Post-Master General, shall have two assistant Post-Masters General under him, the one for the eastern and the other for the southern department; who shall from time to time superintend and direct the post-office, in all its various departments and services, throughout the extent aforesaid, agreeably to the rules and regulations contained in this ordinance; the said Post-Master General shall have full power and authority to appoint a clerk or assistant to himself, and such and so many deputy Post-Masters, as he shall think proper; for whose fidelity he shall be accountable, each of whom shall reside at such place as the Post-Master General shall judge best suited, to maintain a due and regular transportation and exchange of mails. And the said Post-Master General shall be, and hereby is authorised to allow from time to time, to his said deputies respectively, such commissions on the monies to arise from postage in their respective departments, as he shall think their respective services shall merit; so as, that the said commissions shall not in the whole exceed twenty per cent. and shall, by himself or his said deputies, respectively thereunto regularly authorised by him, from time to time appoint the necessary post-riders, messengers or expresses, with such salaries and allowances, as he or his said deputies respectively shall think meet, or he shall make contracts for the transportation of the mail, with the owners of the stage carriages, where the same can be effected on terms advantageous to the public, or where he shall be directed to do so by Congress.*

*And be it further ordained by the authority aforesaid* , That the Post-Master General shall reside at the place where Congress shall hold their sessions; and the assistant Post-Masters General shall reside as near as may be in the centre of their districts respectively: They shall be appointed by Congress, but the Post-Master General shall have authority to suspend them from of Congress shall be known. It shall be the duty of the said assistant Post-Masters General, personally to visit every post-office in their districts respectively once at least in every six months,—to settle accounts with the deputy Post-Masters therein,—to receive all balances due thereon to the general Post-Office, and remit the same to the Post-Master-General; and in general, to transact such other business of the department, as may from time to time be committed to them by the instructions of the said Post-Master General. And it shall, moreover, be the duty of the said assistant Post-Masters General, to report particularly in writing, to the Post-Master General, at the end of every six months, their own proceedings, and the state of the post roads, with the reputed distances, and of the ferries within their districts respectively; together with their own opinions, as to any alteration in the rout of the mail.

*And whereas*, packets have been established between divers parts of Europe and these United States, and more may be established therefrom, as well as from one part of these United States to another; and it is necessary in order to secure the payment of the inland postage, upon letters and dispatches to be sent by such packets, that the said postage should be paid at the office at which such letters or dispatches are left to be forwarded: *Be it ordained by the authority aforesaid* , That neither the Post-Master General, the assistant Post-Masters General, or the deputy Post-Masters, or any other person in the post-office department, shall forward by post, any letter, or dispatches, unless the inland postage shall first be paid therefor, at the rates established by this Ordinance; but it shall be lawful for the Post-Master General, assistant Post-Masters General, or deputy Post-Masters, to open any letters or other dispatches (which shall not by this ordinance be exempt from a charge of postage) intended to be sent by the packets, which shall be left in any post-office to be forwarded, upon which the inland postage shall not be paid as aforesaid, and having discovered the name and place of abode of the writer, shall return the same, endorsing on the back of the said letter or dispatch,—returned for want of payment of the inland postage.

*And be it further ordained by the authority aforesaid* , That the Post-Master General, his clerk, assistants, and deputy Post-Masters, and post and express riders and messengers, or either of them, shall not knowingly or willingly open, detain, delay, secrete, embezzle or destroy; or cause, procure, permit or suffer to be opened, detained, delayed, secreted, embezzled or destroyed, any letter or letters, packet or packets, or other dispatch or dispatches, which shall come into his power, hands or custody, by reason of his employment in, or relating to the post-office, except by the consent of the person or persons by or to whom the same shall be delivered or directed; or by an express warrant

under the hand of the President of the Congress of the United States, (or in time of war, of the commander in chief of the armies of these United States, or of a commanding officer of a separate army in these United States, or of the chief executive officer of one of the said states) for that purpose; or except in such other cases, wherein he shall be authorised so to do, by the ordinances and regulations of Congress: *Provided always*, That no letters franked by any person, authorised by this ordinance to frank the same, shall be opened by order of any military officer, or chief executive officer of either of the states; and that the Post-Master General, or his assistants, or deputy post-masters, and post and express riders, and messengers, and all other persons employed in the post-office department, and each and every of them, not having already taken an oath of the same import, shall without delay, take and subscribe the following, *to wit*, "I A. B. do solemnly and sincerely swear, declare or affirm, (as the case may require) that I will well and faithfully do, execute, perform and fulfil, every duty required of me, and abstain from every act and thing forbidden by a certain ordinance, passed by the United States in Congress assembled, on the entitled, "An Ordinance for regulating the Post-Office of the United States."

*And be it further ordained by the authority aforesaid*, That if the Post-Master General shall be guilty of a breach of the said oath, or affirmation, or any part thereof, and be thereof convicted, he shall forfeit and pay one thousand dollars, to be sued for and recovered in an action of debt, in the state where the offence shall be committed, by the Treasurer of the United States, for the time being; and if any assistant, deputy post-master, post rider, or other person employed in the Post-office department, shall be guilty of a breach of the said oath, or affirmation, or any part thereof, and be thereof convicted, each one so offending, shall forfeit and pay three hundred dollars, to be sued for, and recovered in an action of debt, in the state where the offence shall be committed, by the Post-Master General for the time being; all which forfeitures, when recovered and received, shall be accounted for by the persons recovering the same, and applied towards defraying the necessary expences of the post-office; and every person employed in the post-office department, who shall be guilty of a breach of the said oath or affirmation, shall, besides paying the abovementioned forfeitures, be rendered incapable ever thereafter of holding any office, or place of trust or profit, under these United States. *Provided always*, That the foregoing oath, shall not be required of any special express or messenger, to be appointed at the request of any particular person or persons, in the manner herein after directed, unless the same shall be thought necessary by the Post-Master General, or the persons who shall have appointed him; which oath shall, without delay, be made by the Post-Master General, before the President of the Congress of these United States; and by each of the said clerks, assistant Post-Masters General, deputy Post-Masters, and post riders, (except as is above provided, with respect to special expresses and messengers) before the Post-Master General, or before any civil magistrate, nominated by him for that purpose; all which persons are hereby respectively authorised to administer the said oaths; and shall respectively make and sign

certificates thereof: The certificates to be signed by the President, to be lodged in the office of the Secretary of the Congress of these United States; and the other certificates respectively, to be returned into the office of the Post-Master General, there to be kept as evidence of the several qualifications therein respectively certified.

*And be it further ordained by the authority aforesaid* , That the Post-Master General of these United States, for the time being, and the persons appointed by him, or employed by his orders for that purpose respectively, and no other person whatsoever, shall have the receiving, taking up, ordering, dispatching, sending post or with speed, carrying or delivering of any letters, packets or other dispatches, from any place within these United States, for hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters or packets respectively; and any other person or persons presuming so to do, shall and pay for every such offence, twenty dollars, for every letter or packet, carried by him or them, contrary to the true intent and meaning hereof; to be sued for, and recovered in an action of debt, with costs of suit, by the Post-Master General, or the assistant Post-Masters General in the state in which the offence shall be committed; and such sums as shall be thus recovered and received, shall be accounted for by the person who shall recover and receive them, and applied towards defraying the necessary expences of the post-office. *Provided nevertheless* , That nothing herein contained, shall be construed to extend to any messenger purposely sent on any private affair, and carrying letters or packets relating to such affair only; or to persons sent officially on public service by any officer of these United States, being legally authorised therefor.— *And provided also* , That nothing herein contained, shall in any manner affect any private cross post-rider, that may be employed by either of the states in the union, or by any of the citizens thereof, with the consent of the Post-Master General, or an assistant Post-Master General, until a public rider shall be established on such cross-roads.

*And whereas* , on the arrival of ships, both from beyond seas and coastwise, into the ports of these United States, many letters directed to merchants and other citizens thereof, have by the negligence of the masters and passengers, been either opened or long detained, to the great prejudice of those to whom the same were directed:

*Be it therefore ordained* , That after the day of no ship or vessel shall be permitted to break bulk, or to make any entry in any port of these United States, until the master or mate of such ship or vessel shall have produced to the proper officer at such port, a certificate signed by the Post-Master General's deputy at such port, that the said master or mate has delivered into the post-office the letters brought in such ship or vessel: And to the end, that the revenue of the post-office may not be injured by the fraudulent concealment of letters, the Post-Master General's deputies respectively shall have authority, and are hereby required to administer to each master or mate bringing such

letters to their offices as aforesaid, an oath (or affirmation) that the letters so brought are, to the best of his knowledge and belief, all the letters brought into such port by the vessel of which he is the master or mate, in her present voyage, excepting only such as are directed to the owners or consignees of such vessel. And if any collector or other officer of the customs within these United States, shall admit to an entry in his office, any vessel before the master or mate thereof shall have produced to him a certificate of the delivery of the letters signed by the Post-Master General's deputy as aforesaid, such collector or other officer so admitting such vessel to an entry, shall forfeit and pay for every offence two hundred dollars. And if the captain or commander of any vessel shall enter his said vessel, or in any manner break bulk, without giving an account as aforesaid, of the letters, packets and dispatches on board his said vessel, or in case of having brought none in his vessel, shall not make affidavit thereof as aforesaid, he shall forfeit two hundred dollars for every such failure, to be recovered by action of debt, bill, plaint, or information, in any court of record within these United States, and the Post-Master General, assistant Post-Masters General, and deputy Post-Masters, are in every instance of neglect or omission, hereby specially directed to prosecute for the same, as they shall answer to the contrary at their peril. *And*

*And be it further ordained* , That the Post-Master General be authorised and directed, to establish, as soon as it can conveniently be done, so many cross-posts, as will be necessary to keep up a communication between the great post road, and all the pors of entry throughout these United States.

*And be it further ordained by the authority aforesaid* , That if any person, not being a post or express rider in the service of the General Post-Office, shall carry any letters, packets, or other dispatches from one place to another, within these United States, on any of the post roads to any place within these United States, for hire or reward, except in cases as is herein before excepted, or shall not, when bringing letters from beyond sea for hire or reward, deliver the same at the post-office, if any there be, at the place of his or her arrival, he or she shall, in each of the beforementioned cases, forfeit and pay, for every letter, packet or dispatch, carried contrary to the true intent and meaning hereof, twenty dollars, to be recovered by the Post-Master General, or any of his assistants or deputies, in an action of debt in the state wherein the offence shall have been committed, with costs of suit, and applied towards the expences of the post-office, and be accounted for accordingly; and if such offence shall be committed by any person holding a civil or military commission under these United States, he shall on conviction thereof, forfeit his commission. And for every letter, packet, or other dispatch from beyond sea, which any person shall so deliver at the post-office, he shall receive of the post-master, at the post-office, for the same, one ninetieth of a dollar.

*And be it further ordained by the authority aforesaid* , That the Post-Master General shall cause the mail to be carried with all care and dispatch, at least in every week, to and from each of the stated post-offices; and his assistants and deputies, shall keep and transmit to him, regular, particular, just and quarterly accounts of the incomes and expenditures of their respective offices; and from those and such other materials as shall be necessary for the purpose, the Post-Master General shall form and keep regular and just accounts of the incomes and expenditures of the general post-office, which he shall annually deliver to the Comptroller of accounts of these United States.

*And be it further ordained by the authority aforesaid* , That the Post-Master General's deputies respectively, shall regularly publish at the expiration of each quarter (if it can conveniently be done) in one of the public newspapers, for three successive weeks, a list of all letters, at that time remaining in their offices, and at the expiration of the subsequent quarter, shall send such of the letters so published, as then remain, as dead letters, to the general post-office; where they shall be opened and inspected by the Post-Master General, who shall carefully preserve such of them as may contain valuable papers, with the papers therein respectively contained, and shall insert in a book to be kept for that purpose, the date of such letter, and the name and place of direction on the same, together with a particular account of the inclosures contained therein; and at the expiration of each quarter, the Post-Master General shall cause to be published, in one of the news-papers of the state, in which the owners of such valuable papers are supposed to reside, (if a news-paper is printed in such state) else in the most convenient paper, an advertisement, informing, that such papers are in his possession, and shall deliver such letters and inclosures, to the person or persons to whom the same shall be directed, or his, her, or their order, at the post-office he, she or they first paying the postage for the same, at the rates from time to time established by these United States in Congress publications as aforesaid; and in case of neglect to take up such letters, the necessary expences shall be charged to the United States.

*And be it further ordained by the authority aforesaid* , That the Post-Master-General, his assistants and deputies respectively, shall, and they are hereby authorised, whenever the danger of robberies of the mail, shall in their respective judgments render the same necessary, to hire occasional expresses for carrying the public dispatches, and such private letters, as from time to time shall be in the post-offices; who shall not be confined to fixed days, nor to travel the usual post roads, but shall, in those respects, be subject to the order and direction of the Post-Master General, and his assistants and deputies respectively. And to the end, that the expence of several expresses destined to the same place, at the same time, may be avoided: *Be it ordained by the authority aforesaid* , That all extraordinary expresses in the public service, shall, if a post-office be established at the place, from which they shall severally take their departure, be hired by the Post-Master General, or his deputy,



and set out from and return to such post-office, with the letters, packets and dispatches to be carried by them respectively.

*And be it further ordained by the authority aforesaid* , That the postage of all letters, packets and dispatches to and from the different post-offices, within these United States, shall be at the following rates in penny weights and grains of silver, estimating each penny weight, as at present, at five ninetieths of a dollar, *to wit*. For any distance not exceeding sixty miles, one penny weight, upwards of sixty and not exceeding one hundred, one penny weight eight grains; upwards of one hundred and not exceeding two hundred, two penny weight; upwards of two hundred and not exceeding three hundred, two penny weight sixteen grains, and so on, adding sixteen grains for every hundred miles: And for all single letters to or from Europe, by packet or dispatch vessels belonging to these United States, four penny weights. The above rates to be doubled for double letters; trebled for treble letters, and a packet weighing an ounce, to be charged equal to four single letters, and in that proportion if of a greater weight: And to the foregoing rates shall be added, sixteen grains upon every letter, packet or dispatch which shall come into the post-office from beyond sea, by any other packet or dispatch vessels, and is to be forwarded inland by post; but upon each letter or packet brought from beyond sea, and directed to any person at the place where then the vessel shall arrive, the deputy Post-Masters respectively shall charge only two ninetieths of a dollar, which shall be in full compensation for their caré and trouble respecting such letters and packets:—And, forasmuch as the customary allowance of one ninetieth of a dollar for each letter and packet brought from beyond sea (otherwise than by packets or dispatch vessels) and lodged in the post-office, has been found to be beneficial, the deputy Post-Masters respectively are hereby authorised to continue the said allowance to all masters of vessels (other than packet or dispatch vessels) bringing letters and packets from beyond sea, and lodging them in the post-office. *And*

*And whereas* , the post-master at the port at which the European packets stately arrive, has extraordinary services to perform, for which he receives no compensation: *Be it ordained by the authority aforesaid* , That such allowance shall be made to the said post-master therefor as the Post-Master General shall deem reasonable; *Provided* , that the same shall not exceed *per centum* on the amount of the inland postage on the letters received by the packets, and forwarded from his to other offices.

And in order to prevent unnecessary delays in the transportation and delivery of letters, whereby the mercantile interest, and correspondence in general, may be materially injured: *Be it further ordained by the authority aforesaid* , That all mails brought by packets or dispatch vessels, to any port within these United States, shall be sent immediately upon the arrival of such packet or dispatch vessel, unopened and in the first instance to the post-office at such port; and all mails to be sent by such

packets or dispatch vessels, on their return, shall be made up at the said post-office, sealed with the seal thereof, and taken from thence immediately on board such packet or dispatch vessel, by the commander thereof, or some person duly authorised by him for that purpose in writing;—nor shall any person, other than the Post-Master General's deputy, and the persons employed by him, take up or receive any letters to be forwarded by such packets or dispatch vessels, on penalty of two hundred dollars, to be sued for and recovered, for every offence, in an action of debt, by the Post-Master General, or the assistant Post-Masters General, in any court of record in that state in which the offence shall be committed; and such penalty when recovered, shall be applied towards defraying the necessary expences of the post-office.

*And be it further ordained by the authority aforesaid* , That the following rates shall be paid for the carriage of news-papers, magazines, and all other periodical publications sent by post, *to wit*.

For each news-paper, for any distance not exceeding

**dwts. grs. 60 miles, 60 to 100 do. 100 to 200 do.**

And so on for every 100 miles; and for each magazine or other periodical publication, containing but one sheet, or less, the same rates as above, for the same distances; but if they contain more than one sheet, then the above rates shall be charged in proportion to the distance, for each sheet, such magazine or other periodical publication shall contain. *Provided always* , That no news-paper, magazine or other periodical publication, shall be suffered to pass in the mail, unless it shall be thoroughly dry, and the wrapper left open to one end, so that it may be clearly seen how many news-papers or other publications, and whether any letters are contained therein; and if it shall appear upon examination, that any letters are concealed under such wrapper, the full rate of postage shall be charged not only on such letter, but also on the other contents of the wrapper.

*And whereas* , in order to promote the circulation of useful intelligence, the printers of news-papers have been allowed to exchange their papers with each other by means of the post, without any charge of postage: *Be it further ordained by the authority aforesaid* , That the same privilege shall still be continued, provided that such papers shall be dried, and put up as is before directed; and provided also that each printer shall send to each other printer but one copy of each of his papers shall not be carried farther by post, than to the next capital city or town, in which a news-paper shall be printed.

And to the end, that all persons concerned in the post-office department, may diligently and without interruption attend to the duties of their respective stations; *Be it ordained by the authority aforesaid* , That the said persons shall be exempted from militia duty, and from serving as jurors and constables.



*And be it further ordained by the authority aforesaid* , That the salary of the Post-Master General, shall be dollars per annum, and that of each of the assistant Post-Master General dollars per annum; and that the allowance to the Post-Master General for a clerk, shall be five hundred dollars per annum, and no more.

*And be it further ordained by the authority aforesaid* , That all letters, packets and dispatches to and from the members and secretary of Congress, while at the place where Congress, or a committee of the States shall hold their sessions, and actually attending therein;—to and from the late commander in chief of the armies of these United States;—to and from the commissioners of the treasury collectively;—to and from the heads of the departments of war, and foreign affairs, *on public service* , shall pass and be carried free of postage; provided that the whole of the superscription of letters from any of the above persons shall be written by the person entitled to the privilege of franking them, whose name shall be also subscribed.

*And be it further ordained by the authority aforesaid* , That all former and other acts, ordinances, and resolutions, of these United States in Congress assembled, heretofore made relating to the post-office, be, and the same, and each and every of them, is and are hereby repealed and made void.